

CASCADE COUNTY PLANNING BOARD

April 17, 2018

9:00 am

Court House Annex

325 2nd Ave North

RECEIVED
MAY 17 2018

Board Members: Dexter Busby, Mark Carlson, Dan Johnstone Richard Liebert, Elliott Merja, Rob Skawinski, Ken Thornton

Notice: These minutes are paraphrased to reflect the proceedings of the Cascade County Planning Board, and are considered a draft until formally approved by the Planning Board.

Staff Present: Alex Dachs, Sandor Hopkins, and Natalia Wilson

Attendees: Gary Poore, Kory Hastings, Chuck Crowell, Mary Crowell, Lynn Cottrel, Charles Cottrell, Allan Carpenter, Tony Phillips, Lyndsey Green, Bob Morgan, and Tony Prothero

1. Call to order: Chairman Elliott Merja called the meeting to order at 9:00 am

2. Roll call:

Board Members Present: Mark Carlson, Dan Johnstone, Richard Liebert, Elliott Merja, Rob Skawinski, Ken Thornton

Board Members Absent: Dexter Busby

3. Approval of Minutes: April 17, 2018.

Richard Liebert motioned to approve the minutes as submitted.

Mark Carlson/Ken Thornton seconded the motion.

All in Favor, Motion passes 6-0

4. New Business:

A. Public Hearing:

Sandor Hopkins presented the staff report. Summation is as follows: The Planning Board is in receipt of an application from Robert and Gale Morgan, Bonesteel LLC, to recommend approval of the major subdivision plat to the County Commissioners. This proposed subdivision, is located in the SW 1/4, Section 32, Township 20 N., Range 2 E., P.M.M. Cascade County, Montana

Attached is a copy of the major plat, which will subdivide 28.303 acres into fifteen (15) lots. The lots will be sized from 1.17 acres to 2.23 acres. Pursuant to 76-3-605, MCA a public hearing is required for this major subdivision. There are no delinquent taxes on this property. An Environmental Assessment is required pursuant to 76-3-603(1)(a), MCA (2017). The project lies outside of the Height Military Overlay District. The property is not located in a regulated floodplain.

Legal notice of this proposed subdivision was sent to surrounding property owners on March 30, 2018 and appeared in the Great Falls Tribune on April 1, 2018 & April 8, 2018.

R0355300 CMS

Total Pages: 14 R 0.00 By: tmarch 05/17/2018 10:39:38 AM
Cascade County, Rina Ft Moore - Clerk & Recorder



Interested Agencies were provided with notification letters and a request for comments on March 30, 2018. Public Schools responded that they have the capacity for the additional students in both Ulm and Cascade.

Access to the proposed subdivision will be granted by two existing approaches from West Ulm Road or approaches from Centre Street/Ulm-Vaughn Road. The applicant has an existing loop road in place and will include easements on the plat.

The applicant's Traffic Impact Analysis estimates that when fully developed, this subdivision will generate an additional 114.84 trip ends per day along West Ulm Road, raising the total number of trips from 456, based on 2017 counts, to approximately 571. The applicant has certified that this will not represent a significant degradation to Level of Service or Safety. The two lots serviced by Ulm-Vaughn Road are estimated to raise the traffic counts from 408 trip ends per day to 428, a minimal increase that will not degrade Level of Service or safety.

Parkland dedication is a requirement of this proposed subdivision. The 14 proposed residential lots will cover 27.13 acres, and the developer is required to dedicate parkland to 5% of the residential area, 1.36 acres. The applicant is proposing a 1.17-acre park lot, and will supplement the requirement with cash-in-lieu for the remaining 0.19 acre. The applicant will pay \$428, based on the Broker's opinion of value for raw, unsubdivided, unimproved land at \$2,250 per acre.

The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Ulm Volunteer Fire Department. Response time will be dictated by weather and road conditions.

The project is located in the Wild Land Urban Interface as the property is adjacent to development in the county as well as large undeveloped parcels with native grasses. The proposed subdivision has an existing irrigation cistern on site that will serve as the fire protection source. The existing storage tank has a total volume of 120,000 gallons, and will be modified so that the minimum required volume of 17,000 gallons (10,000 + 500 gal/lot) for fire suppression will be available at all times.

Conclusion

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

Recommendations

The following motions are provided for the Board's consideration:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, **deny**, a major subdivision, a Preliminary Plat of Rolling Meadows Phase 3;

or

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of Rolling Meadows Phase 3, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (M.C.A. 76-3-612, 2017).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way created by and indicated on the subdivision plat.
5. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
6. Causing to be recorded on the plat a statement concerning limited public services.
7. Pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
8. Causing to be recorded on the plat an Agriculture Notification statement.
9. A certificate of waiver of park land dedication and acceptance of cash in lieu thereof statement placed on the plat for the 0.19 acres that are not covered by the 1.17 of parkland dedication.
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of West Ulm Road, Ulm-Vaughn Road, or any county road in the vicinity used to access the major subdivision, Rolling Meadows Phase 3, or any other road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.
11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat.
12. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
13. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
14. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
15. Cause to be filed with final plat a Declaration of Covenant that declares that all of the properties described shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any heirs,

successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.

16. Modification of existing irrigation tank installed on-site, properly maintained and equipped with the proper appurtenances for the Ulm Volunteer Fire Department to use for firefighting at all times. Provide the developers install and the homeowner's association maintain an accessible approach for access to the cistern at all times. The modification of the tank, with a maximum capacity of 120,000, will allow it to maintain a minimum of 17,000 gallons for fire suppression services.
17. The homeowner's association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Ulm Volunteer Fire Department to insure the equipment is being properly maintained.
18. MDEQ approval for the proposed site grading and drainage and storm water conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Division with the final plat submittal.
19. A copy of the MDEQ General Discharge Permit for Storm water associated with construction activity shall be submitted prior to final plat approval, if applicable.

Board Questions:

Elliot Merja asked is there any questions from the board to the staff.

Richard Liebert asked Have we received a letter back from the Ulm Fire Department yet?

Sandor Hopkins Responded no, we did not yet.

Richard Liebert stated the staff report notes that we contacted them but did not receive a response?

Sandor Hopkins not at this time,

Richard Liebert stated are we just going to assume and wait for a response from the fire department before we approve the next step before it goes to the commission?, seems problematic

Alex Dachs responded this is just a preliminary plat approval after this they have to prove that they have satisfied all this condition and then it goes back to the commissioners that will require a letter from the fire chief at that time.

Richard Liebert, I was curious as to when the fire department received a letter.

Sandor responded March 30th.

Richard Liebert Stated so, there will be no water well drilling at this properties right. I assume they will have to haul their own water.

Sandor Hopkins yes.

Richard Liebert will there be professional water delivery or water hauler?

Elliot Merja responded yes there is a water tower over in Ulm on the other side of the interstate. That they could supply/ haul water from.

Richard Liebert asked the homes are for standard homes not mobile homes?

Ken Thorton stated That's right there is standard covenants for the HOA.

Richard Liebert stated I read through the Shed Horn Engineering report, what I found useful is that they showed an analysis of the current revenue that comes in from the property which is \$ 129.00 verses What it does with full buildouts which is \$16000.00 it identifies the road found by

\$5.00 dollars now and \$172.00 Then up to \$1500.00 in final. I like the math in that Engineering report it gives us something to work with.

Rob Skawinski asked does the park have to be developed and are there any requirements for that or can it remain bare ground

Alex Dachs stated no, its bare ground basically for the benefit of the subdivisions the HOA would be responsible for making decisions. The county requires the park area.

Rob Skawinski stated do they need to provide any equipment for maintaining that space, weed management mowing picking up garbage the fire system, and the fire cistern it is located in that area so that's why its required?.

Alex Dachs responded it is common area for everyone to use

Elliot Merja asked how is that cistern filled do you know? I was thinking there was an actual water system for the area for people that live there, sounds like is just for irrigation.

Alex Dachs confirmed the existing tank is for irrigation

Elliot Merja asked does the applicant want to address the board.

Applicant: Tony Prothero of Shed Horn Engineering 1808 11th Ave Helena. And I prepared the subdivision application. I'd like to talk about the irrigation system storage tank/well-supplies the well water is not good for anything other than irrigation only we've sample some water and it's not very good. The water is to be supplied by a licensed hauler and the source of water has to contain some residual chlorine concentration, like the city of Great Falls. The irrigation is not adequate it needs to be improved we are in the process to improve the system it will be done by mid-June. I have some questions about the staff report. How do we satisfy the road improvement requirement when using existing roads?

Sandor Hopkins, stated I believe we just need the stamp of approval by an engineer, to verify that the road is up to County subdivision standards.

Tony Prothero stated, I assume they were built for county standards but it's hard to say if they are.

Alex Dachs stated that what we are looking for is proof to verify that they were built to county standards and that they meet the current standards.

Tony Prothero said ok we certainly will get those. What we are proposing here is pretty straight forward I believe it was originally approved for a major subdivision it just never got recorded I believe there were 24 lots originally. What we are proposing is 14 lots, better use of the property, if you have questions I will be glad to answer.

Richard Liebert stated this a typical engineering analysis do you do a revenue analysis?

Tony Prothero stated not always but yes it was required by the county so, yes, we did provide the revenue analysis to include a cost benefit analysis. I'm going to include it in other projects as well even though it might not be required.

Richard Liebert stated because when you look at the context of all the public safety services roads, police and the fire department we kind of know what's the cost benefit analysis to see what is actually going to do to improve this property so we can provide those services.

Rob Skawinski asked do you anticipate improving the existing roads to bring them up to county standards?

Tony stated a minimum improvement may be necessary, it appears to be adequate. They meet the basic requirements, but whether or not they meet county requirements is pretty difficult to guess, it shouldn't take long to find out how to answer that.

Public Comment Opened at 9:22

Proponents: none

Opponents:

Gary Poore 51 Caragana Dr. Ulm, MT Thanks for sending the letters letting us know about the subdivision. We would not know this was going on if we didn't receive the notice (nobody reads the Tribune). I have a couple of questions/comments first of all us homeowners never received a copy of this So, I would have been nice to receive a copy to begin with, so we could have looked over and see what the HOA was responsible for. So, in the future if something like this comes up it would be nice to receive these ahead of time to have time to review it. I have a couple of questions about the HOA responsibility, I have a couple of questions, it says the HOA is responsible for putting in a play ground is that what you guys understood.

Elliot Merja asked are you part of an earlier subdivision.

Gary Poore yes.

Elliot Merja so do you fall under the HOA of that or is it all one association.

Gary Poore answer it's all one HOA. So, that is why I'm asking because I'm hearing that the HOA is going to be responsible for this or that. Does not feel HOA has been advised of these things that they will be responsible for, so, that is my concern.

Elliot Merja stated in general, my experience has been that the HOA has been the ones that decided what play ground equipment is had put that in and kept it up as far as maintenance.

Gary Poore asked isn't it part of the county requirement to have play ground.

Elliot Merja stated it has to have a park area and it doesn't have to have any play ground equipment. All it has to be is a kept area for people to utilize. It can have play ground equipment, in my mind that creates an issue with insurance and such if someone else's kid shows up and gets hurt so, in a couple of cases we have actually taken the equipment off, and made it just a walking area because it was safer.

Gary Poore stated I just want to make it clear that you know that the HOA even without talking to them I don't believe that the play ground is going to happen. If that's part of the requirement I don't think it's going to happen, I'm not sure we want to be held accountable for that.

Elliot Merja stated it is really good that you showed up to ask these questions without you showing up we don't have the knowledge. So, it's good that you are here.

Gary Poore said it said something here about the easements, it says here we are responsible for the entrance ways I'm just wondering where all the funding is going to come from?

Elliot Merja answered do you understand what an RSID is.

Gary Poore said no.

Elliot Merja asked to say the meaning of RSID its Rural Special Improvement District what we do with subdivisions have the roads built to county standard and later years down the road nobody is maintaining the roads, because they are not county roads, they are subdivision roads, so what we are trying to do is make a way that the HOA can come to terms on taxation for themselves That pays for the road development and such, so this RSID is a way that it can be done though taxes, so that everybody shares in paying for improvement and upkeep of those roads. Because it's not county roads its subdivision roads

Gary Poore stated that comes through our HOA.

Elliot Merja stated and that is the same place it will come from unless it becomes a disaster and you need more moneys. If your HOA is already doing that, you are way ahead of the curve. So,

there is an implement to make it so that everybody pays and that is in the taxes and then there is an implement that you can do it on your own through the HOA and that the agreement you have to come up with, is which way you are going to do it.

Gary Poore stated one of my other concerns is the septic system we have a bunch of sandy soil out there, I know at some point we had concerns about how many houses can be out there because of that? Are we doing studies no it?

Elliot Merja said DEQ and the Department of Health.

Alex Dachs stated that is correct the department of health will check and they have to have a Certificate of Subdivision approval to determine cistern and drain field locations, and they will have to obtain permits for new septic systems

Elliot Merja asked are you on a well or on a cistern?

Gary Poore stated on a cistern, I have two cisterns we also use the irrigation system and it is inadequate at this time, we are concerned about that as well, it seems like the HOA is getting stuck with a lot of the responsibility of maintaining the system and that's fair enough if the system is going to be designed and built so that it provides necessary irrigation. My question is at which point and time will this system be put in?

Bob Morgan stated our storage tank is 123,000 gallons and there is line going from the storage to the pump house is not large enough to have adequate water supply, second problem we need a pump that will have a variable speed reading that will keep the line full we are increasing the size of the pipe 4 in and the line that goes from the storage shed to the pump house a 6 in. line all the new lots, we are putting in will have a cistern tank that goes with the lot so there will be 12 lots in this subdivision drawing off that system and all this lots will have a low fill valve, basically requiring new homes is that when the people will be drawing water out of their tank rather than right now we have a couple of other problems people are drawing water directly under the existing line so you have too many people drawing water out of that line and there is not enough water coming into it that's the problem so, I think we have to adequately address what we are going to do and that would encourage existing people to do a couple of things number one, I currently have 10 thousand square feet to water I don't have 8 thousand I'm going to have my lawn removed to an 8 thousand square feet, from a development stand point we are going to improve the system and make sure that the lawns are 8 thousand square feet and we are going to improve the system and change the lawn to 8 thousand sq. feet have some sort of meter to see who is using more because I think the cost of everything should be proportional to what you use so they can pay accordingly.

Richard Liebert asked How many members in the HOA

Bob Morgan answered 13 Families

Richard Liebert stated those are the ones that are on the map that got the adjoining notice. For the benefit of the public all county commissioner meetings planning board, zoning board are posted on the county website, the tribune has a classified ad, not everybody reads the tribune so, that's another way you can go to the county website under planning, also all the reports in fact I got all mine online except the folder because its massive, so in the future everyone knows is on the website everyone can have that.

Gary Poore stated I find it strange that we are changing the covenants, they have already been established I think that's something that is going to come up between the developer and the HOA. I do not have any more questions.

Elliot Merja asked any further questions, thank you

Rob Skawinski asked why is the HOA being blended together verses creating a new HOA?

Bob Morgan stated that he wants to have budgets set up verses one pot on money and wants to lower the cost not raise it, also because of the water irrigation is basically the same distribution system and the roads are shared so it would be hard to have two different set of rules. Wants to clarify the covenants but they will basically would remain the same. Would like to clarify the current covenants to allow pole barn for storage it nice to keep junk out. And then I'd like to put in the water meters so everyone pays the same share, so we can keep the same HOA, I just meant the road and the water. Two of the new lots are going to have a well, they will not be part of our water system, so that is part of the changes I'm proposing.

Tony Prothero added the existing covenants do apply to this area, that is part of the reason we believe that a single HOA is appropriate.

Ken Thornton asked is there a mechanism for self-governance and voting to approve this new rule so they can all be passed by HOA.

Gary Poore replied yes.

Bob Morgan said yes but, I should be able to pull that through because I have 3 votes per lot, basically have 42 more votes. I'm willing to have a meeting with the HOA I have always listened to what they have to say. I want to make these a really nice place to live. I want to make changes for the best and would hope they would consider that.

Rob Skawinski asked what are the HOA fees? And what are you anticipating them being in the future.

Bob Morgan said \$400.00 a year, I did the math and we should be able to lower the fees. I want to be able to break it down to show where that money goes, would like to have a PCA to handle the money system, so that the members all know how that money is being distributed I feel the actual fee of that would be reasonable. I think that once the HOA people see that they will agree it is a good thing.

Rob Skawinski asked about metering watering system for each of the residences.

Bob Morgan responded yes, I am investigating I would like to add a system so that we can monitor where our money is going. Also, if we were to charge a fee would like to do so accordingly my wife and I have several rental properties and have studied them for years we have a bunch developed just like that I'm saying we can apply that here to the subdivision and have that money set aside. Also, I'd like to study the snow removal situation, I think we do it 12 to 16 times in the snow shoveling. I would like to apply this to the subdivision rather than just say it's a little over \$10,000.00 a year well where does that money go? I would just like to make a few changes like that I want to lower the cost not raise it.

Charles Cottrell 20 Ponderosa Dr, Ulm stated there is a lot of concerns one I'm hearing a lot about covenant changes we went through this a year ago and ultimately had to seek attorneys to balance the process, when Bob Morgan wrote the covenants they were all inclusive of phase one two and three and the attorneys through negotiations decided that, that was the legal precedence and we had enough documentation to move to court. So, one of the things that is really key is of doing what you folks do is communication. Bob Morgan has only been to one HOA meeting, we meet once a year or more if needed we are in constant communication with one another we are neighbors. I am really troubled to hear that there is possible changes in the covenants Bob has a lot of good ideas but who is going to bear the expense of that if the existing HO are burden buy a new water system that was promised to us when we bought in, after 9 years or longer we were supposed to have a sundry of promises none which have been kept we currently pay 400.00 a year for road maintenance, water system maintenance it says nothing in the covenants about having to be responsible for upgrading. I really want to know who is going

to be responsible for upgrades? So, we have a lot of questions here. I saw this document this morning not before. I will check out the website, it's going to take us a little time to put our heads together and we may have more questions that we have expressed here now. I understand there is another meeting on May is that the final?

Alex Dachs that will be for the commissioners.

Charles Cottrell asked so, do we have more opportunity to ask in writing.

Alex Dachs stated that you will have another chance to submit papers they go to the planning office there will be another planning meeting before the commissioners.

Charles Cottrell stated we have a very active HOA, Bob has a lot of ideas that he is basically force-feeding the HOA without their knowledge so like I said communication is the key.

Elliot Merja stated just on that point this is the first we hear of the HOA, this it is good that you are here communication is good. I encourage you to approach this without too much negativity, but be open minded because I believe if you are a good working HOA you should be able to work out this problem fairly easily and get some understanding. I work on a rural water system and it's a very aging unit and they've gone through the same proses of when do we have to upgrade the system who is going to pay for upgrades and the fact of the matter is that basically is the people who gets the water pays for it and it was never written back in 1969 when it was put in, but that is the reality of it.

Charles Cottrell said I agree with what you are saying last year we put a new pump. There are lines deficiencies with that system we went through the expense of doing that and now we have a homeowner that wants to dig a well to have for his own supply we have a lot of moving parts here and I agree that we have to get together for working them out but we have to get together which means Bob has to attend the meetings.

Richard Liebert asked Does your HOA have bylaws and officers?

Charles Cottrell responded yes, we have bylaws and records we have all meetings and minutes.

Elliot Merja said you are ahead of the game we see a lot of them that are nowhere near like. do we have anymore opponents.

Allan Carpenter 2 West Ulm Rd., Ulm I'm not for or against I'm across the street of the proposed I have a couple of concerns you mention that all the new proposed homes would be on a cistern my driveway directly behind Ulm school the intersection is a slow one the increase in traffic water trucks whether commercial or local there is an impact, I have concern with the higher volume of traffic especially water trucks. The water issue someone said that there is a water tower in Ulm there has not been one forty years I've been here for twelve years and I have never seen one, I have a well and everyone I know has cisterns and goes to Great Falls to get water. So, that is something that has to be considered as far as the extra traffic this is a school zone, because that area is congested with vehicles and children. (I got one of these in the mail and I appreciate that, it is nice to know what's going on where I live) So that is something I wanted to present to the board to look at that aspect, because when you have a cistern you are constantly trying to fill it up. The other thing is the proposed play ground I did not hear too much about it, there is not one there is this going to be restricted to the HOA, if the county is requiring that, is it open to the public?

Elliot Merja said that is not an answer we can give you is up to the HOA.

Allan Carpenter stated we have grandchildren and I know my wife is going to want to know, because we currently only have the public-school play ground.

Richard Liebert stated as a rancher I haul a lot of water, and I know Mountain View Co. the gas station out there has a commercial water delivery they don't have a well. The water hauling

companies want new customers if they have the water commercially delivered they will make an Ulm delivery day. There is a 5-thousand-gallon tanker that comes once or twice a week to the service station out there.

Allan Carpenter stated and I've seen that I know that there have been at least 3 different commercial companies that have delivered to Ulm over the year I think one of those is not in existence anymore from where we live and where we travel in Ulm. There are a large number of residents that haul themselves I don't know anyone that gets it deliver. Thank you very much.

Elliot Merja asked is there any more opponents?

Chuck Crowell 201 Ulm Vaughn Rd stated I am in favor I personally want to buy one of those pieces of property so I'm looking at it from a different aspect if we put more homes out there we improve the funding to our schools it also increases the funding to our fire department and Cascade County. I have heard a lot of opposition but, not a lot of it has merit in reality, progress goes on and I really think it's a good idea, finding small property in and around Great Falls like this is difficult. I think this is a good project.

Gary Poore said I am not opposed we just want to make sure that the HOA are not getting shaft. Bob, you said because you own all those lots you have more votes.

Bob Morgan responded no only if this is approved. That's the way the covenants were done in 1996, and the purpose of that is that the developer who is spending all the money to fix and improve the water system the developer is spending money to do all of that we are not charging existing members for that to improve the water system that is a responsibility that developers have.

Gary Poore stated I understand that but you were talking about the HOA and you having 3 votes to everybody else's one. And you could change the HOA that is not true, Bob wrote us a letter stating that he did not want to be burden with paying 400 dollars a month for every lot and that he was relinquishing those votes now we can't come back and say that's different.

Bob Morgan stated in the original proposal is because the reason what we were trying to do with 20 acres we were going to build 5 homes with a pole barn and horses and each home was going to have their own well that is what you are referring to I think it was a 602 this what he is referring to I do not want to pay money on those because the HOA rejected that with their attorney.

Gary Poore responded no, it was before that.

Bob Morgan said ok you'll have to show me that.

Gary Poore said, I have the letter. I been there for years and years when Bob was the president had all those votes he had authority to say if you would like to increase your lot size you can so we went from 8 thousand square feet of grass based on what he told us because he had the majority of the votes and now he wants to reduce the size of your lot and put a meter to see how much water we use, I don't have a problem with him developing but I'd like to be grandfather in and say ok look that's all.

Bob Morgan said all I'm saying is we need to have a meter and those who use more water by their choice should pay more that's all I'm saying.

Gary Poore stated and if we come to a meeting and we all can discuss it I'm sure we can all come to an agreement because all its going to do is increase the value of our homes if we get a nice development out there and we are not wanting to keep any money from the county because we can always use for schools and everything else, we want a nice HOA but we also want to be protected from what we've developed in over 19 years.

Bob Morgan said I'm sorry you feel threatened I'm trying to design a new system of 8 thousand feet for each lot but there again that would be your choice. I will come to the meeting and see what we can do if people don't work with me on the system it won't work I don't know how to make it work with people watering that much.

Gary Poore stated that's one of the problems that's going to have to come up with the HOA meeting and like I said I'm sure we can all do it together, I don't want to hold up any more of the party's time. We with HOA just want to be protected.

Elliot Merja stated we want you the HOA to remember our scope to what this board as to what we can do is to determine whether or not these are feasible things we can send to the commissioners so that they can make the decision based on what they hear from the public again and so we are just a recommendation board you guys brought up a lot of really good information that needs to go back with your homeowner and you guys really need to work on these because it sounds like you are not far off from being together, but that is your responsibility. Ours is really looking at it to see if it's feasible to send to the commissioners. Is there any further comment from the public?

Public Comment Closed at 10:09am

Board Discussion & Decision:

Rob Skawinski stated not comfortable with making a motion, doesn't quite to understand if this gets pushed forward what ramifications will it have in the existing HOA, is there a way this can get resolved.

Elliot Merja said I have an opinion from in the past what I've seen, if you don't get everybody together once in the HOA and such like this things never get rectified that's why you send out the notification to everybody that this is going through or has a possibility of going through can't say its going through one way or another, on my side of these and hearing what they said and knowing what happens with this type of developments is that one I see it as a positive development and I see it as the homeowners can get together having an agreement seeing how this is going to work. This is only the beginning. So, if we approve this at all then it gets another public hearing and then it goes to the commissioners, there is still two times or is it only one?

Alex Dachs stated if you approve it, it would go to the county commissioners for the preliminary plat approval and after those conditions are satisfied then comeback for final plat approval to create the lots

Elliot Merja said so there is still two times they can comment on this if they are not having any success with their HOA then they can bring that up at the next.

Rob Skawinski stated but, by approving this vote are we giving Bob more controlling votes at the HOA.

Elliot Merja stated that is in the homeowner covenants, not in anything we do.

Ken Thorton covenant must be approved prior to final plat filing, final process

Bob Morgan stated I have to be approved before I can make those changes.

Rob Skawinski said once that does take affect you will have the controlling votes at the HOA

Bob Morgan stated well yes, and I can submit the changes like allowing the pole barn on the lot

Rob Skawinski said and I understand that but my point is that's the way it's going to be once this is approved at that point and time you kind of control the HOA would you agree with that?

Bob Morgan said I do agree but I don't want to spend the money if I don't know if this is going through. I mean your take your time and I will go to the HOA meeting, I just would like to know one way or another before I go caring on my plans, because it's expensive to do all this

Richard Liebert stated, I think what Rob is driving at is there a consensus in the HOA or is it a moved point.

Elliot Merja stated we need Fernando here to find out.

Richard Liebert said, because we have the latitude to approve it, amend it or deny, according to parliamentary procedure.

Elliot Merja stated so if we want to put an amendment that the HOA has to be involved.

Richard Liebert. stated I make a recommendation or recommend an amendment that the HOA reach a general consensus to approve, prior to it going to the County.

Elliot Merja responded you are welcome to make that motion did you make that motion?

Richard Liebert motion amendment to provide recommendation that the HOA reach a positive consensus this is just a recommendation as articulated in the written staff report that the HOA reach a positive consensus.

Mark Carlson seconds the motion for the additional condition.

Elliot Merja motion moved and seconded, with the additional recommendations is there any comments.

Rob Skawinski would you clarify the motion again.

Richard Liebert stated we are just voting in the amendment that the HOA reaches a general positive consensus, that's very broad language. It gives a little more clarity.

Alex Dachs asked what would the general positive consensus look like? Is it a letter from the HOA president saying we agree to this subdivision? Typically, the developer of the subdivision, that developer holds the majority of the HOA until they sell 50% of those lots in the subdivision.

Rob Skawinski stated right now the HOA holds those votes once we approve those lots then Bob has control, and that is what the HOA is concerned with and I think if we can get those addressed before we give Bob controlling power I think that is their main issue.

Elliot Merja stated and we as a board do not give the controlling power is the County Commissioners that give that end up doing that. But we make that recommendation. If we put in this recommendation that they need to come up with a letter of consensus from the HOA, then the county commissioners can look at that and say we will approve it or no, we need them to go talk again.

Richard Liebert stated Is not legally binding document but if we are sending it to the commissioners we need to meet all the proponent requirements.

Alex Dachs stated the county does not deal with HOA that is more of a civil dispute between those neighboring the subdivision.

Elliot Merja said that would allow them to come up with a letter and say we came to agreement then the county commissioner can say ok they came to an agreement we can do these or they will say they did not come to an agreement they need to work on these before we approve it. does that work.

Ken Thorton would that be recommendation # 20,

Elliott Merja yes that is item 20 in the list of things they have to meet

Elliott Merja the amendment has been moved and seconded

Vote, All in favor, 6-0

Elliot said that was just the amendment, now we would entertain a motion to approve or disapprove with the 20 conditions

Dan Johnstone motion to approve

Mark Carlson Seconds the motion

Discussion:

Richard Liebert Question for Alex are we going to have a response from the Ulm fire department before it goes to commissioners.

Alex said yes, we will reach out them. They need a letter from the fire chief saying he is comfortable with the fire cistern before it receives final plat approval.

Elliot asked any further discussion/comments? I entertain a motion to pass all in favor

All in favor, motion passes 6-0

5. Old Business: none


6. Board Matters:

Richard Liebert would like to commend the zoning board for approving the solar project up on Bootlegger, I think it's a positive step I think it's our second solar project. Number two Mr. Chairman I checked with the personal department, the vacancy for planning director and its closed. I haven't been a lot around a lot of staff. (and this is no reflection on our current staff which is great) I think that having a planning director for future challenges it helps to maintain continuity in any group because how long have you been here Alex, and you are new, and you are new... so, I think it would help to deal with different challenges so, I recommend that that vacancy be open again.

Alex introduced Natalia to the board. Then we have an upcoming meeting in May we will be giving the board members a revised version of the subdivision regulations we are revising those after the last legislative update also you'll be getting those in the next couple of weeks and a staff report next week to review so, if you have comments questions or concerns you can give those back to us.

7. Public Comments Regarding Matters within the Board's Jurisdiction: none

8. Adjournment: Elliot asked any more comments? No, we are adjourned 10:15 am



Elliott Merja or Mark Carlson

May 15 - 2018

Date



Brian K. Clifton

5/16/18

Date